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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSEPH W. DYKSTRA,

Plaintiff,

v.

WYETH PHARMACEUTICALS, INC.,

Defendant.

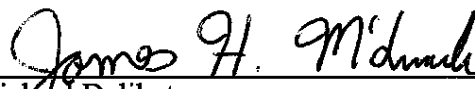
Case No. 08-CIV-7432(CS)(GAY)

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that, upon the attached Declaration of James H. McQuade and the exhibits attached thereto, the accompanying Memorandum of Law, and all other papers and documents filed with the Court in this action, the undersigned will move this United States District Court, in the United States Courthouse located at 300 Quarropas Street White Plains, New York, on a date and at a time to be determined by the Court, for an order granting the motion to dismiss of Wyeth Pharmaceuticals, Inc., pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

Dated: New York, New York
August 29, 2008

ORRICK, HERRINGTON & SUTCLIFFE LLP



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